

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA | § |                                |
|                          | § |                                |
| v.                       | § | CRIMINAL NO. 4:09CR186 ALM/CAN |
|                          | § |                                |
| MICHAEL VILLASANA        | § |                                |

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 4, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Camelia Lopez.

On August 31, 2010, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 70 months imprisonment followed by a 3-year term of supervised release for the offense of Felon in Possession of a Firearm. Defendant began his term of supervision on February 5, 2015. This case was transferred to the Honorable Amos L. Mazzant on August 3, 2015.

On July 31, 2015, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 52). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician; and (3) Defendant shall be placed on home detention

for a period of 90 days. During this time, Defendant shall remain at his place of residence except for employment and other activities approved in advance by the U.S. Probation Officer. Defendant shall maintain a telephone at his place of residence without “call forwarding,” “a modem,” “Caller I.D.,” “call waiting,” or portable cordless telephones for the 90-day period. At the direction of the probation officer, Defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. Defendant is to pay the cost associated with his program of electronic monitoring.

The Petition alleges that Defendant committed the following violations: (1) On April 30, 2015, Defendant was arrested and charged with Driving While Intoxicated by the Allen, Texas, Police Department. He was subsequently released on May 2, 2015, after posting bond and remains free on bond. As of this writing, this charge is set for a First Appearance on August 8, 2015, in Collin County Court of Law #6, in Case Number 006-84289-2015; (2) Defendant failed to comply with his approved home confinement schedule on June 27, July 7, July 18, July 20, 27, and 29, 2015, when he had unauthorized departures and returns.

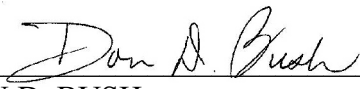
At the hearing, Defendant entered a plea of true to the allegations of excessive alcohol and being outside the house. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the August 4, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months, with no

supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Three Rivers, if appropriate.

**SIGNED this 18th day of August, 2015.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE